

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

EUGENE J. FIEDLER,

Plaintiff,

V.

**STATE OF NEBRASKA DEPARTMENT
OF ROADS, et al.,**

Defendants.

4:08CV3144

ORDER

This matter is before the court on the motion of Joy Shiffermiller ([Filing No. 135](#)) to withdraw as counsel for the plaintiff Eugene J. Fiedler. The movant states Mr. Fiedler has not responded to correspondence and is difficult to represent. The movant served a copy of the motion on Mr. Fiedler. **See** [Filing No. 136](#). The court allowed the plaintiff thirty days to respond to the motion or obtain substitute counsel. **See** [Filing No. 137](#). In a motion dated April 1, 2011, the plaintiff requests thirty additional days to secure legal counsel and an extension of the deadline to file motions to compel discovery from April 5, 2011, to May 5, 2011. **See** [Filing No. 141](#) (referencing [Filing No. 133](#) - Progression Order ¶ 2(c)). The plaintiff did not object to Ms. Shiffermiller's motion. Accordingly,

IT IS ORDERED:

1. Joy Shiffermiller's motion to withdraw ([Filing No. 135](#)) is granted.
2. Eugene J. Fiedler is hereby considered proceeding *pro se* and counsel for the defendants may communicate with him directly regarding this case. Mr. Fiedler may have new counsel appear on his behalf at any time.
3. The plaintiff's request ([Filing No. 141](#)) for an extension of the deadline to file motions to compel discovery until May 5, 2011, is granted.
4. The court will hold a conference with the parties for the purpose of assessing the current progression order and scheduling this matter to trial. The conference will be held by telephone before the undersigned magistrate judge on **Thursday, May 5, 2011, at 11:00 a.m.** Counsel for the defendants shall initiate the telephone conference.

5. Eugene J. Fiedler is required to participate in the scheduling conference. In the event legal counsel makes an appearance on the record for the plaintiff, Mr. Fiedler will be excused from attendance. Failure to participate in the scheduling conference will result in sanctions, which may be monetary. Additionally, the Federal Rules of Civil Procedure provide authority for the court to impose sanctions, including dismissal of an action, for failure to abide by court orders or participate in good faith to insure the progression of the case. [Fed. R. Civ. P. 16\(f\)](#); [Fed. R. Civ. P. 41\(b\)](#).

6. The plaintiff shall notify the court and the defendants' counsel of his current telephone number as soon as possible, but in any event no later than **April 27, 2011**, in writing by filing a notice containing the information with the Clerk of Court.

7. The Clerk of Court shall send a copy of this order to the plaintiff at:

Eugene J. Fiedler
2450 County Road F
Weston, NE 68070

DATED this 4th day of April, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge